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1:2 UNITED STATES DISTRICT COURT
1:3 EASTERN DISTRICT OF NEW YORK
1:4 INDEX NO. 14-CV-3014(SLT)(RML)

-----x

1:5 GONZALO CORTES,

1:6 Plaintiff,

1:7 - against -

1:8 THE CITY OF NEW YORK, et al,

1:9 Defendants.

1:10 -----x

1:11
305 Broadway
1:12 New York, New York
1:13 September 13, 2016
11:15 a.m.

1:14
1:15 EXAMINATION UNDER OATH of PETER
1:16 RODESCHIN, a Defendant, held at the
1:17 above-entitled time and place, taken before
1:18 Carolyn Crescio, a Professional Shorthand
1:19 Reporter and Notary Public of the State of New
1:20 York.

1:21
1:22
1:23 * * *
1:24
1:25

2:1

2:2 A P P E A R A N C E S:

2:3

HARVIS & FETT, LLP

2:4 Attorneys for Plaintiff

305 Broadway

2:5 New York, New York 10007

2:6 BY: GABRIEL P. HARVIS, ESQ.

2:7

2:8 NEW YORK CITY LAW DEPARTMENT OFFICE OF THE

CORPORATION COUNSEL

2:9 Attorneys for Defendants

100 Church Street

2:10 Room 3-193

New York, New York 10007

2:11

BY: ELISSA JACOBS, ESQ.

2:12

2:13

2:14 ALSO PRESENT:

2:15 MARK HALL- Videographer

2:16

2:17

2:18

2:19

2:20

2:21

2:22

2:23

2:24

2:25

142:1 P. RODESCHIN

142:2 RMA'd at the scene of his arrest?

142:3 A. I don't know if it was at the scene
142:4 or it was actually when he was brought to the
142:5 desk; I don't know which one it was.

142:6 Q. I see. But either way, a police
142:7 officer was aware that there was an injury and
142:8 that there was a refusal to accept medical
142:9 attention?

142:10 A. Correct.

142:11 Q. But yet, the stamp at the command
142:12 log and in the arrest report and in every piece
142:13 of paper that was prepared about the arrest
142:14 indicated that he was apparently normal?

142:15 A. Yeah.

142:16 MS. JACOBS: Objection. You can
142:17 answer.

142:18 A. Yeah.

142:19 Q. And what is your explanation for
142:20 that?

142:21 MS. JACOBS: Objection. You can
142:22 answer.

142:23 A. My explanation, would be my opinion,
142:24 is guys simply don't fill things out right.

142:25 Q. That's an error?

144:1 P. RODESCHIN

144:2 A. It was -- actually I think it was
144:3 fairly quick. I would probably say within 20
144:4 minutes.

144:5 Q. Who called the ambulance? Did you
144:6 do it?

144:7 A. I directed it to be called. I don't
144:8 remember if I did it personal -- or I told
144:9 somebody to call it in. You know, my thing is
144:10 what's the sense of -- you know what? Just go
144:11 to the hospital.

144:12 Q. Well -- well, actually what you just
144:13 said is that the first thing you said to him is
144:14 that you said to him, Why do you want to go,
144:15 right?

144:16 A. Right.

144:17 Q. What was the purpose of that
144:18 conversation?

144:19 A. To know why he wanted to go. I
144:20 mean, you know, because some -- like I said, at
144:21 times people just want to go to the hospital
144:22 thinking that they can -- they don't -- you
144:23 know, I don't want to wait in court; that
144:24 happens a lot. Or for whatever reason. I just
144:25 wanted to make sure that he understood he was

177:1 P. RODESCHIN

177:2 A. Yeah.

177:3 Q. Did you change it?

177:4 A. Yeah. I believe I shook my head and
177:5 says, how is this guy apparently normal if,
177:6 number one, he was hurt prior to his contact,
177:7 he's -- his -- he reeks of booze, and now he's
177:8 complaining that his arm still hurts, so that's
177:9 not apparently normal.

177:10 Q. What changes did you make at that
177:11 time?

177:12 A. I believe I crossed off the AN,
177:13 which is shorthand for that, and wrote down that
177:14 he had a complaint of pain, and I believed that
177:15 it was prior to police contact, which is what I
177:16 determined. Because if it wasn't prior to
177:17 police contact, then I would have a whole other
177:18 job to do now.

177:19 Q. Right. What -- did you write down
177:20 he was RMA?

177:21 A. No, he didn't refuse -- he refused
177:22 medical attention when he came into the house,
177:23 so that would be RMA.

177:24 Q. Okay. So did you write it down?

177:25 A. I don't recall. I have to look at

179:1 P. RODESCHIN

179:2 So there's a lot to do, so I may have forgot
179:3 to initial or put my stamp on it, my tax number,
179:4 due to the fact that I'm -- I did a lot of work.
179:5 Within the first 10 minutes I just did an hour's
179:6 worth of work.

179:7 Q. So when you first had the
179:8 conversation with Mr. Cortes, the officer, the
179:9 desk sergeant you were relieving was still on
179:10 the desk, right?

179:11 A. Yeah. (indecipherable) -- relief.
179:12 Plus, I had to ask him about other things, other
179:13 than prisoners.

179:14 Q. So you walk over to the desk, and
179:15 you take out the command log and change the
179:16 entry for Gonzalo Cortes?

179:17 A. When I observed it.

179:18 Q. Uh-huh.

179:19 A. Because I flipped back, so I could
179:20 see it was like nothing, to make sure that
179:21 obviously what's in there matches what's in the
179:22 book.

179:23 Q. Right.

179:24 A. Sometimes it can get so hectic,
179:25 which did not happen, that sometimes they forget

201:1 P. RODESCHIN

201:2 move.

201:3 Q. You say double locked is to prevent
201:4 it from getting tighter or looser?

201:5 A. Correct.

201:6 Q. I see.

201:7 A. And also to prevent it from being
201:8 picked open.

201:9 Q. Okay. Was Gonzalo Cortes in a sling
201:10 when he left the precinct?

201:11 A. I don't recall. I don't believe so.

201:12 Q. Did you physically tighten the cuffs
201:13 for -- on Gonzalo Cortes before he left, or did
201:14 you instruct a subordinate to do that?

201:15 A. I instructed. I ascertained that
201:16 they were double-locked. I can't remember --
201:17 actually I can't -- that's what I do, verbatim
201:18 procedure, regardless of who it is so I know it
201:19 always happens the same way, you know, to be
201:20 sure it's always done so nothing slips by.

201:21 I -- when he left I don't recall if he walked
201:22 out, if he was wheeled out in a chair or if he
201:23 was in a gurney. So I can't I know that if --
201:24 he's got to be cuffed. One way he's cuffed,
201:25 they are double-locked. I know that that's

202:1

P. RODESCHIN

202:2

done. I know he's cuffed, I know he's shackled.

202:3

So I don't recall which way it was.

202:4

And now you're probably going to ask well,

202:5

what if he only has use of one arm, right? Then

202:6

his uninjured arm would be double-locked and cuffed

202:7

usually to the loop of his pants.

202:8

Q. What about his injured arm?

202:9

A. Then it would be in a sling.

202:10

Q. Okay. And not cuffed?

202:11

A. Correct.

202:12

Q. You don't know whether -- which it

202:13

was here, right?

202:14

A. I don't recall.

202:15

Q. But would it -- would you ever cuff

202:16

someone's arm that was in a sling?

202:17

A. No. Well, like, why is it in a

202:18

sling?

202:19

Q. Well, I -- knowing nothing else but

202:20

that it's in a sling.

202:21

A. I don't know. If EMS just put it in

202:22

a sling --

202:23

Q. Right.

202:24

A. -- I wouldn't unsling it.

202:25

Q. Right.

243:1 P. RODESCHIN

243:2 A. There was no time. That guy was
243:3 just staying -- like sometimes you try to do the
243:4 best you can. I don't know what time the
243:5 prisoner left. You see that there?

243:6 Q. Okay. So at 4:22, that's
243:7 Cappuccia's prisoner. Do you see -- did you
243:8 write in the margins there?

243:9 A. Yes, a 7:35 transport.

243:10 Q. Okay. And then Caribi's prisoner,
243:11 is that your handwriting in the margin there at
243:12 5:05?

243:13 A. Yeah. 10:35 transport.

243:14 Q. Okay. All right, keep going, tell
243:15 me when you see your handwriting again.

243:16 A. 7:05, post change.

243:17 (Multiple voices speaking at
243:18 once.)

243:19 A. Yeah, at that time I signed in. I
243:20 didn't catch it because the ink is different.

243:21 Q. That's okay, right, exactly. So
243:22 that's actually your handwriting at 6:30, right?

243:23 A. Yeah, 6:30 that's my handwriting.
243:24 That's me signing in for work.

243:25 Q. Okay. So you said at some point it

286:1 P. RODESCHIN

286:2 A. It's' -- well, accordingly this
286:3 should be, or is, a request for an ambulance to
286:4 the station house.

286:5 Q. On July 1st, right?

286:6 A. Correct.

286:7 Q. Okay. So based on this, when was
286:8 the call for the ambulance put over?

286:9 A. 7:26 a.m.

286:10 Q. Okay. And does it -- does this
286:11 document give you any indication of what -- how
286:12 the call was put over?

286:13 A. If it was put over by phone or
286:14 radio?

286:15 Q. Well, what was told to the
286:16 dispatcher?

286:17 A. Sick prisoner. That's it.

286:18 Q. You see the fifth line down it says,
286:19 Ambulance case serious inside?

286:20 A. Correct.

286:21 Q. Does that mean that the person who
286:22 called said that it was a serious incident?

286:23 MS. JACOBS: Objection.

286:24 A. No.

286:25 Q. What does it mean?